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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DENVER MAY, as Successor in Interest of Judy May, MAUREEN KENNEDY, and JOAN EHLY, on Behalf of Themselves and All Others Similarly Situated,

Plaintiffs,

v.

GOOGLE LLC, GOOGLE ARIZONA LLC, GOOGLE PAYMENT CORP., and DOES 1 Through 10, Inclusive,

Defendants.

Case No. 5:24-cv-01314-BLF

JOINT STIPULATION AND
~~[PROPOSED]~~ ORDER TO MODIFY
CASE SCHEDULE AS MODIFIED
BY THE COURT

HON. BETH LABSON FREEMAN

STIPULATION

Pursuant to Civil Local Rules 7-1(a)(5) and 7-12, Plaintiffs Denver May, as Successor in Interest of Judy May, Maureen Kennedy, and Joan Ehly (“Plaintiffs”), and Defendants Google LLC, Google Arizona LLC, and Google Payment Corp. (“Google”) (together, the “Parties”), by and through their respective counsel of record, hereby stipulate as follows:

1 WHEREAS, the original named Plaintiff in this action, Judy May, unexpectedly passed
2 away on January 14, 2025, shortly after filing her First Amended Complaint (“FAC”) (ECF No.
3 93) and prior to the February 3, 2025 deadline for Google’s anticipated motion to dismiss the FAC
4 (ECF No. 92);

5 WHEREAS, Counsel for Judy May notified Counsel for Google of Plaintiff’s death the
6 next day, January 15, 2025, and filed a formal suggestion of death on January 17, 2025 (ECF No.
7 96), making any motion for substitution due 90 days later on April 17, 2025;

8 WHEREAS, the Court thereafter granted the Parties’ stipulated request to extend the
9 deadline for Google’s anticipated motion to dismiss to “45 days following the resolution of any
10 motion for substitution and the filing of an operative complaint, whichever is later” (ECF No. 100);

11 WHEREAS, following Judy May’s death, Maureen Kennedy and Joan Ehly contacted Ms.
12 May’s counsel and, in light of potential issues arising from prosecuting claims on behalf of Ms.
13 May and the class with her husband as the only named Plaintiff, Ms. May’s counsel agreed to
14 investigate Ms. Kennedy’s and Ms. Ehly’s claims and include them in a motion for substitution
15 and intervention;

16 WHEREAS, Plaintiffs’ motion for substitution, intervention and leave to amend (ECF No.
17 104)—which was accompanied by a proposed Second Amended Complaint (“SAC”) (ECF No.
18 104-1)—was filed on March 25, 2025;

19 WHEREAS, Google opposed the motion for substitution and intervention on April 17,
20 2025 (ECF No. 108), Plaintiffs filed a reply on April 29, 2025 (ECF No. 110), and the Court ruled
21 on the motion on June 23, 2025 (ECF No. 113);

22 WHEREAS, Plaintiffs filed the SAC on July 17, 2025 (ECF No. 114), making the deadline
23 for Google to file a motion to dismiss the SAC due on September 2, 2025;

24 WHEREAS, the Parties have actively engaged in discovery during the seven-month period
25 spent addressing substitution, intervention, and amendment of the complaint, and continue to work
26 through a number of potential disputes;

WHEREAS, the Parties have a full-day in-person mediation scheduled with Shirish Gupta on October 6, 2025;

WHEREAS, the Parties are in the process of preparing for mediation, briefing the motion to dismiss the SAC, and continuing to engage in discovery, and jointly agree that an extension of six to seven months of the remaining case deadlines is warranted in light of the current status of the pleadings and the discovery process;

IT IS HEREBY STIPULATED by and between the Parties that, subject to the approval of the Court, the following dates and deadlines shall govern the Action:

Event	Previous Deadline (ECF Nos. 95 and 100)	New Deadline
Google's Deadline to File Motion to Dismiss	9/2/25	9/2/25
Plaintiff's Deadline to File Opposition to Google's Motion to Dismiss	10/17/25	10/17/25
Google's Deadline to File Reply in Support of Motion to Dismiss	11/7/25	11/7/25
Hearing on Google's Motion to Dismiss	12/12/25	12/12/25
File Motion for Class Certification	2/5/26	8/5/26
Fact Discovery Cutoff	6/29/26	1/28/27
Disclose Merits Expert Reports (Opening)	8/19/26	3/18/27
Disclose Merits Expert Reports (Rebuttal)	9/9/26	4/08/27
Expert Discovery Closed	9/28/26	4/27/27
Last Day to Hear Dispositive Motions	12/17/26	7/15/27

Final Pretrial Conference	3/4/27	10/1/27
Trial	4/5/27	11/1/27

DATED: September 2, 2025

By: /s/ Sarah E. Flohr

Sarah E. Flohr (*pro hac vice*)

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1 DATED: September 2, 2025

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Attorneys for Defendants

ATTESTATION (L.R. 5-1(i)(3))

Pursuant to Local Rule 5-1(i)(3), I hereby attest that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Dated: September 2, 2025

/s/ Sarah E. Flohr

Sarah E. Flohr

The Court modifies the date for the Final Pretrial Conference to September 30, 2027, at 1:30 p.m. All other dates are approved.

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: September 18, 2025

By: 

BETH LABSON FREEMAN

United States District Judge

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v.

GOOGLE LLC, GOOGLE ARIZONA LLC,
GOOGLE PAYMENT CORP., and DOES 1
Through 10, inclusive.

Defendants.

Case No. 5:24-cv-01314-BLF

**DECLARATION OF SARAH E. FLOHR
IN SUPPORT OF JOINT STIPULATION
TO MODIFY CASE SCHEDULE**

HON. BETH LABSON FREEMAN

1 I, Sarah E. Flohr, declare and state pursuant to 28 U.S.C. § 1746 as follows:

2 1. I am an attorney with Kirby McInerney LLP and am counsel of record for Plaintiffs
3 admitted *pro hac vice* in this Action. I submit this Declaration in Support of the Joint Stipulation
4 to Modify the Case Schedule.

5 2. This Declaration is based on my personal knowledge. If called as a witness, I could
6 and would competently testify to the truth of each statement herein.

7 3. Counsel for Plaintiffs and Defendants have met and conferred and jointly seek
8 enlargements of time extending case deadlines after the December 12, 2025 hearing on Google's
9 pending motion to dismiss by six to seven months, which will allow the parties necessary time to
10 complete discovery and prepare for class certification, dispositive briefing, and trial.

11 4. The Parties previously filed the following: a joint stipulation to modify the briefing
12 schedule for Google's motion to dismiss Plaintiff's initial Class Action Complaint (ECF No. 26),
13 which the Court granted on March 26, 2024 (ECF No. 27); a joint stipulation to set the briefing
14 schedule for Google's motion to dismiss Plaintiff's First Amended Class Action Complaint (ECF
15 No. 91), which the Court granted on December 17, 2024 (ECF No. 92); a joint stipulation to modify
16 the case schedule (ECF No. 94), which the Court granted on January 15, 2025 (ECF No. 95); a
17 joint stipulation to modify the briefing schedule for Google's anticipated motion to dismiss and
18 ADR deadlines in light of the suggestion of death of Judy May (ECF No. 99), which the Court
19 granted on January 28, 2025 (ECF No. 100); a joint stipulation to modify the briefing schedule for
20 Plaintiffs' motion for substitution, intervention, and leave to amend (ECF No. 105), which the
21 Court granted on March 31, 2025 (ECF No. 106); and a joint stipulation to strike ADR deadlines
22 in light of the October 6, 2025 mediation date (ECF No. 115), which the Court granted on July 31,
23 2025 (ECF No. 116).

24 I declare under penalty of perjury under the laws of the United States of America that the
25 foregoing is true and correct.
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28

Executed on September 2, 2025, in New York, NY.

/s/ Sarah E. Flohr

Sarah E. Flohr